REMARKS

Claims 1-20 are pending in this application. Claims 1, 3, 6, 8, 9, 11, 14, and 19 are amended. Claims 1, 6, and 9 are independent.

Prior Art Rejections

Claims 1-5, 7-13, and 17-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 5,995,490 to Shaffer (hereinafter "Shaffer '490"). This rejection insofar as it pertains to the presently pending claims is respectfully traversed for the following reasons.

As amended, each of independent claims 1 and 9 now recites determining an error tolerance level according to line state information relating to the transmission quality of a communication line, and selecting an operation mode for transmitting data over the communication line based on the determined error tolerance level. Applicants respectfully submit that Shaffer '490 fails to disclose this feature.

Shaffer '490 discloses a multimedia communications system in which a first station 10 can transmit video data and perform a

user-initiated data transfer to a second station 16. Shaffer '490 teaches that the first station 10 includes a regulating device 36 that controls the station 10 to perform the video transmission and file transfer so that the quality of service (QoS) of the transmitted video data meets a particular QoS threshold selected by a user.

For example, Shaffer '490 discloses that the user can select between a first QoS threshold for situations where only video data is to be transmitted, and a second QoS threshold for situations where both video transmission and a user-initiated data transfer will occur. According to Shaffer '490, if the received video at the second station 16 does not meet the selected QoS threshold, the regulating device 36 will control the station 10 to either temporarily interrupt the data transfer or perform the data transfer at a reduced rate.

Accordingly, Applicants respectfully submit that Shaffer '490 fails to disclose the determination of an error tolerance level based on line state information relating to a communication line.

First, the QoS thresholds of Shaffer '490 are selected by the user, usually based on whether the user plans to initiate a data

transfer during the video transmission. Thus, these QoS thresholds are not determined based on line state information.

Furthermore, the QoS thresholds of Shaffer '490 are only used for controlling the transmitting station to suspend or reduce the rate of data transfer. Shaffer '490 fails to disclose controlling anything related to an error tolerance of transmitted data as a result of applying the QoS thresholds to received video data.

For the reasons stated above, Applicants submit that Shaffer '490 fails to disclose that the operation mode for transmitting data is based on an error tolerance level determined according to line state information, as required by independent claims 1 and 9. Thus, Applicants respectfully submit that claims 1 and 9 are allowable, and that claims 2-5, 7, 8, 10-13, and 17-20 are allowable at least by virtue of their dependency on claims 1 and 9.

Claims 6 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer '490 in view of U. S. Patent No. 5,898,668 to Shaffer (hereinafter "Shaffer '668").

As to claims 14-16, Applicants respectfully submit that Shaffer '668 fails to remedy the deficiencies of Shaffer '490 set forth above in connection with independent claim 9. Accordingly,

Applicants respectfully submit that claims 14-16 are allowable at least by virtue of their dependency on claim 9.

As to claim 6, Applicants respectfully submit that this claim has been amended into independent form, including the features of its original base claim (claim 1, as originally filed). Accordingly, Applicants respectfully submit that the above amendment to claim 6 does not change the scope of the claim.

Independent claim 6 recites adding a new communication line with the line interface when the selected operation mode corresponds to a high error tolerance level. Applicants respectfully submit that the proposed combination of Shaffer '490 and Shaffer '668 fail to teach or suggest this feature.

Specifically, Shaffer '668 discloses a system in which a transmitting site may choose between different communication modes for transmitting multimedia data to a receiving site to ensure that the sessions meets certain QoS requirements. Thus, Shaffer '668 at most discloses choosing between different paths, which correspond to the different communication modes, to transmit the multimedia data. Therefore, Shaffer '668 would not suggest modifying Shaffer '490 to add a new communication line with another to perform data

transmission. Instead, Shaffer '668 would only suggest modifying Shaffer '490 to replace a communication path with another.

For the reasons set forth above, Applicants respectfully submit that claim 6 is allowable over the proposed combination of Shaffer '490 and Shaffer '668. Applicants further submit that claims 14-16 recite features similar to those discussed above in connection with claim 6. Thus, Applicants submit that claims 14-16 are allowable for these additional reasons.

Conclusion

The Examiner is respectfully requested to enter this Amendment After Final. In view of the above amendments and remarks, Applicants respectfully submit that the pending claims are now in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Jason Rhodes (Reg. No.47,305) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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DRA/JWR:bmp
1163-0346P

Attachment(s)

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